

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Commission's) Gen. Docket No. 90-314
Rules to Establish New Personal)
Communications Services)

To: The Commission

REPLY COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), hereby submits the following Reply to the Comments of Telocator filed in opposition to certain Petitions for Reconsideration in the above-captioned proceeding.

APCO filed a Petition for Reconsideration urging the Commission to reduce the PCS spectrum allocation and set aside spectrum in the Emerging Telecommunications Technologies Band for public safety and other privately licensed services.^{1/} APCO also supported the Petition of the Texas Advisory Commission on State Emergency Communications (TX-ACSEC), which urged the Commission to require full Enhanced 9-1-1 capability for PCS services.^{2/}

^{1/} The Utilities Telecommunications Council filed a similar Petition on this issue.

^{2/} See Comments of APCO (filed December 28, 1993)

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A. PUBLIC SAFETY CANNOT RELY UPON PCS TO PROVIDE VITAL EMERGENCY COMMUNICATIONS.

Telocator's response to APCO's Petition is that "private users can obtain the spectrum on the same terms and conditions as any other spectrum user through competitive bidding or by negotiating with individual licensees." Telocator appears to be suggesting that, if State and local governments need spectrum for new communications technologies critical to police, fire and emergency medical services, they can "buy" spectrum by outbidding the likes of MCI, the RBOC's, AT&T, and TCI. Obviously, that will never occur, effectively preventing public safety agencies from becoming PCS licensees.

Nor are public safety agencies likely to "lease" spectrum from private or common carrier PCS licensees. As APCO explained in its Petition, public safety agencies must have unfettered control over their own communications facilities and cannot rely upon carriers to provide the level of priority access, interference protection or reliability demanded by services that protect the safety of life and property.^{3/}

^{3/} See also Petition for Rulemaking of the Coalition of Private Users of Emerging Multimedia Technologies (filed December 23, 1993).

B. PCS PROVIDERS MUST BE REQUIRED TO PROVIDE ENHANCED 9-1-1 CAPABILITY, INCLUDING AUTOMATIC LOCATION IDENTIFICATION.

APCO, the National Emergency Number Association ("NENA"), and TX-ACSEC, have urged the Commission not to rely upon the PCS industry to adopt voluntarily Enhanced 9-1-1 capability. Instead, the Commission must adopt basic Enhanced 9-1-1 capability requirements, including Automatic Location Identification ("ALI"), while leaving it to the industry to adopt standard methods for achieving those requirements.

As Telocator notes in its Comments, APCO and NENA representatives have met with Telocator to discuss public safety needs with regard to PCS. APCO looks forward to continued cooperation with Telocator and other industry organizations involved in the PCS standard-setting process. However, APCO is concerned that the industry does not yet accept or understand the basic elements of Enhanced 9-1-1 and the need for complete PCS/Enhanced 9-1-1 capability.

The wireless telephone industry must recognize that it is insufficient simply to allow customers to dial 9-1-1 to reach a Public Safety Answering Point ("PSAP"). While cellular and PCS "access" to 9-1-1 through three-digit dialing is important, that alone does nothing more than replicate long-outmoded "Basic 9-1-1" service. Far more is necessary to protect public safety.

For example, cellular systems do not currently have Enhanced 9-1-1 capability as they do not provide any semblance of automatic location identification.^{4/} As a result, public safety agencies cannot respond rapidly to roadside distress calls over cellular phones unless callers know and can accurately state their location. Rather than replicate the dangerous situation that now exists with cellular systems, PCS providers (and cellular carriers) should be striving to provide full Enhanced 9-1-1 capability, including automatic location identification. This will be particularly important as wireless telephones proliferate in the marketplace.

Telocator suggests incorrectly that caller location information for PCS calls is a low priority of public safety groups such as APCO and NENA. In fact, APCO and NENA's written and oral statements to the FCC and to Telocator clearly state that "the key to providing enhanced 911 service over PCS or cellular is caller location."^{5/} ALI, along with Automatic Number Identification ("ANI"), are the principal distinguishing factors between Enhanced and Basic 9-1-1. APCO and others in the public safety community

^{4/} Indeed, 9-1-1 calls on many cellular systems are not even routed automatically to the correct PSAP for the cell from which the call originates.

^{5/} Telocator may be misinterpreting a list of wireless telephone Enhanced 9-1-1 characteristics that placed the most difficult to implement (but perhaps most important) characteristics last. APCO acknowledges that implementing ALI for wireless telephones will not be easy, but it is still the most critical aspect of Enhanced 9-1-1 service.

9-1-1. APCO and others in the public safety community believe that ALI must be a top priority in PCS/Enhanced 9-1-1 capability.

Finally, Telocator alludes to unspecified "privacy and civil rights issues" related to automatic location identification. Yet, such issues have not arisen with regard to current Enhanced 9-1-1 systems that already provide ALI for over 76% of all network access lines. As with wired telephones, the ALI and ANI functions could be programmed to be activated only when the PCS user voluntarily calls 9-1-1 seeking emergency assistance.

APCO will continue to work the wireless telephone industry on this important issue. However, the industry is unlikely to adopt Enhanced 9-1-1 requirements absent regulatory or legislative action. Therefore, the Commission must implement a basic requirement that PCS and other wireless public telephone services provide full Enhanced 9-1-1 capability.

CONCLUSION

For the reasons discussed above, the Commission should grant the Petitions for Reconsideration of APCO and TX-ACSEC.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
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CERTIFICATE OF SERVICE

I, Jane Nauman, hereby certify that a copy of the foregoing "Reply Comments of APCO" was sent this 13th day of January, 1994, by first-class mail, postage prepaid, to the following individuals at the addresses listed below:

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